

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL S. AGOVINO, : No: 4:10-CV-0656
vs. :
Plaintiff : (Judge McClure)
vs. :
CHRISTOPHER A. BAILES, : Complaint Filed 3/25/10
vs. : JURY TRIAL DEMANDED
Defendant :
vs.

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

COMES NOW the Plaintiff, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and moves this Honorable Court to enter a partial summary judgment in his favor and against the Defendant on the ground that no material facts are in dispute and Plaintiff is entitled to judgment as a matter of law on the issue of liability.

Attached hereto in support of this motion is an Information filed against the Defendant in the Court of Common Pleas of Union County marked as Exhibit 1, which in Count II charges him with committing a simple assault upon the Plaintiff on March 22, 2009 by striking the Plaintiff several times in the face causing a broken nose, broken jaw and several damaged teeth; a Guilty Plea Transcript marked as Exhibit 2 showing that the Defendant pleaded guilty to Count II in that case; and a Sentence marked as Exhibit 3 showing the Defendant was sentenced for this violation.

Based upon these Exhibits Plaintiff is entitled to a partial summary judgment in his favor and against the Defendant ruling that the Defendant did commit a battery upon the Plaintiff as charged in Count I of the Complaint.

Respectfully submitted,

ELION, WAYNE, GRIECO, CARLUCCI,
SHIPMAN, DINGES & DINGES, P.C.

BY s/David C. Shipman

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CERTIFICATE OF SERVICE

David C. Shipman, Esquire, hereby certifies and says that on this 23rd day of November, 2010, he served a copy of the Plaintiff's Motion for Partial Summary Judgment upon the following by mailing a copy of same to the above-show address, postage prepaid, first class mail:

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